

TYPE III DEVELOPMENT & ENVIRONMENTAL REVIEW, STAFF REPORT & RECOMMENDATION

Form DS1402



Project Name: VISTA HIGHLAND INFILL SUBDIVISION

Case Number: PLD2006-00035; SEP2006-00074; ARC2005-00134

Location: 3811 NE 60th Street

Request: The applicant is proposing to divide approximately 1.25 acres into 8 single-family residential lots and one stormwater tract, utilizing the Tier II infill standards, for a property located in the R1-5 zone.

Applicant: Integrity Structures LLC
800 Franklin Street, Suite 200
Vancouver, WA 98660
(360) 694-2552

Contact Person: Harker Engineering
Attn: Lisa Harker
1403 Washington Street
Vancouver, WA 98660
(360) 699-2206
lisa@harkerengineering.com

Property Owner: Gabe and Renee Duus
25501 NE 74th Court
Battle Ground, WA 98604
(360) 667-0354

RECOMMENDATION **Approve subject to Conditions**

Team Leader's Initials: _____ **Date Issued:** June 14, 2006

Public Hearing Date: June 29, 2006

County Review Staff:

	<u>Name</u>	<u>Phone Ext.</u>	<u>E-mail Address</u>
Planner:	Jan Bazala	4499	jan.bazala@clark.wa.gov
Engineer (Trans. & Stormwater):	Doug Boheman	4219	doug.boheman@clark.wa.gov
Engineer (Trans. Concurrency):	Richard Gamble, P.E.	4384	richard.gamble@clark.wa.gov
Team Leader:	Susan Ellinger	4272	susan.ellinger@clark.wa.gov
Engineer Supervisor: (Trans. & Stormwater):	Sue Stepan P.E.	4102	sue.stepan@clark.wa.gov
Engineering Supervisor: (Trans. Concurrency):	Steve Schulte P. E.	4017	steve.schulte@clark.wa.gov
Fire Marshal Office	Tom Scott	3323	tom.scott@clark.wa.gov

Comp Plan Designation: UL

Parcel Number(s): 149151-000

Applicable Laws:

Clark County Code Sections: Title 15 (Fire Prevention), Section 40.220.010 (Single-Family Residential District), Section 40.260 (Special Uses & Standards), Section 40.320 (Landscaping), Section 40.350, (Transportation), Section 40.350.020 (Transportation Concurrency), Chapter 40.380 (Storm Water Drainage and Erosion Control), Section 40.410 (Critical Aquifer Recharge Area), Section 40.430 (Geologic Hazard Areas), Sections 40.500 and 40.510 (Procedures), Section 40.540 (Land Division Ordinance), Section 40.550.020 (Variances), Section 40.570 (SEPA), Section 40.570 (SEPA Archaeological), Section 40.610 (Impact Fees), Title 24 (Public Health), RCW 58.17, and the Clark County Comprehensive Plan.

Neighborhood Association/Contact:

East Minnehaha Neighborhood Association

Sue Lintz, official contact

6418 NE 58 Street

Vancouver, WA 98661

693-9153

E-mail: tonysuel@aol.com

Time Limits:

The application was determined to be fully complete on April 25, 2006 (see Exhibit No. 5). Therefore, the County Code requirement for issuing a decision within 92 days lapses on July 26, 2006. The State requirement for issuing a decision within 120 calendar days, lapses on August 23, 2006.

Vesting:

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application shall earlier contingently vest on the date the fully complete pre-application is filed. Contingent vesting requires that a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

A pre-application conference on this matter was held on November 17, 2005. The pre-application conference information was sufficiently complete to qualify for contingent vesting. The application was determined Fully Complete on April 25, 2006, but it was not submitted within the required 180 days from issuance of the Pre-Application Conference Report. Therefore, the vesting date is April 11, 2006 (i.e., application submittal date of the pre-application).

There are no disputes regarding vesting.

Public Notice:

Notice of application and public hearing was mailed to the applicant, the East Minnehaha Neighborhood Association and property owners within 300 feet of the site on May 9, 2006. One sign was posted on the subject property and two within the vicinity on June 14, 2006. Notice of the likely SEPA Determination and public hearing was published in the "Columbian" Newspaper on May 9, 2006.

Public Comments:

None

Project Overview

The 1.25 acre site is located at 3811 NE 60th Street, in a neighborhood of older homes on larger (approximately .75 acre) lots. The north half of the parcel straddles a ridgetop above NE 60th Street which abuts the north side of the site. From the ridgetop, the southern half of the site slopes downward to the south at a slope of approximately 12 percent.

An older residence and shed sits on the ridgetop. Several large mature evergreens and smaller deciduous trees are scattered across the site. The structures and trees will be removed. No critical areas are known to exist on the site.

The site is located within the following districts:

School: Vancouver

Park District: 7

Fire District: 5

Water District: City of Vancouver

Sewer District: City of Vancouver

The applicant proposes 8 single family detached lots and a stormwater tract that will be accessed via a new private street with a hammerhead turnaround.

Accordingly, the applicant submitted a subdivision application, SEPA checklist, traffic profile, engineering documents, neighborhood meeting summary, and an Archaeological Pre-determination

Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use
Site	UL	R1-5	Single family residence
North	UL	R1-5	Single family residence
East	UL	R1-5	Single family residence
South	UM	R-18	Mobile home park
West	UM	R-18	Single family residence

Staff Analysis

Staff first analyzed the proposal in light of the 16 topics from the Environmental Checklist (see list below). The purpose of this analysis was to identify any potential adverse environmental impacts that may occur without the benefit of protection found within existing ordinances.

- | | |
|---------------------------------|--|
| 1. Earth | 9. Housing |
| 2. Air | 10. Aesthetics |
| 3. Water | 11. Light and Glare |
| 4. Plants | 12. Recreation |
| 5. Animals | 13. Historic and Cultural Preservation |
| 6. Energy and Natural Resources | 14. Transportation |
| 7. Environmental Health | 15. Public Services |
| 8. Land and Shoreline Use | 16. Utilities |

Staff then reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts could be mitigated through application of the code.

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

Major Issues:

Only the major issues, errors in the development proposal, and/or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposal not discussed below comply with the applicable code requirements.

LAND USE:

Finding 1 Infill Lot Standards

Section 40.260.110 contains provisions for reduced lot standards for Infill development in the R1-5 zone.

The average minimum lot area for R1-5 Tier 2 lots is 4,000 square feet. The preliminary plat indicates the lots average 4,700 square feet.

The applicable Infill setbacks are as follows:

- Front – 10 feet for structures, except access to a garage or carport, which requires 18 feet
- Side (Interior) – 5 feet for structures, except 18 feet to a garage or carport
- Side (Street) – 10 feet, except 18 feet to a garage or carport access
- Rear - The rear setback for Tier 2 lots that abut existing residential single family dwellings is 10 feet, 18 feet to a garage or carport access

The above setbacks shall be shown on the final plat. **(See Condition D-4.f)**

The maximum lot coverage is 60%, and the maximum building height is 35 feet.

Under Tier 2 standards, the allowable density in the R1-5 zone can be as high as 10.9 dwelling units per acre. Although the application indicates that 9 lots are proposed, one of the lots (Lot 6) is actually an unbuildable stormwater tract. Therefore, the density calculations are as follows: Eight dwelling units divided by a net area of 1.17 acres equals 6.83 units per acre, which meets the R1-5 minimum density requirement of 6.2 dwelling units per acre.

In summary, the preliminary plat conforms to the above standards of the Infill provisions of the R1-5 zone.

Finding 2 Landscaping

Per Table 40.320.010-1, a five foot wide L3 perimeter landscape buffer is required along the west and south property lines, as those abutting properties are zoned multi-family. No right-of-way landscaping is required. The applicant's landscape plan meets the requirements of Section 40.320. Since the landscape buffers will be included within individual lots, a covenant will be required to ensure that the landscape buffers are installed and maintained by the individual homeowners. **(See Conditions D-3.h and F-2)**

Finding 3 Safe Pedestrian Access to Schools

RCW 58.17.110 requires, among other things for subdivision approval, a finding that safe walking conditions exist for students who only walk to school. Minnehaha Elementary School is within one mile of the site, however, there are no safe pedestrian routes in the neighborhood between this site and the school. The applicant will need to provide a letter from the school district stating that students will be bussed to school. **(See Condition A-11)**

Finding 4 Existing Structures

An existing single family residence and shed will be removed from the site to accommodate the new development. To ensure compliance with Southwest Clean Air Agency requirements, a demolition permit shall be obtained from the county prior to their removal. The demolition permit shall require an inspection of the structure for asbestos containing materials, subject to the Southwest Clean Air Agency requirements. **(See Condition B-4)**

Finding 5 Neighborhood Meeting

Tier II Infill land divisions require that the developer hold a neighborhood meeting to discuss the proposal with the neighborhood. The applicant submitted a summary of the neighborhood meeting held on January 12th, 2006. From the summary, it appears that the majority of the neighbors' concerns will be addressed through the platting process.

Finding 6 Archaeological Pre-determination

An archaeological pre-determination (ARC2005-00135) was performed by Archaeological Services of Clark County. No artifacts were discovered, and no further archaeological studies were recommended. If resources are discovered during construction, the Office of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. **(See Condition D-3.f)**

Conclusion (Land Use):

Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the land use requirements of the Clark County Code.

CRITICAL AREAS:

Finding 7 Critical Areas

No known Critical Areas exist on the site.

TRANSPORTATION CONCURRENCY:

Finding 8 Concurrency

The applicant submitted a traffic profile for this proposal in accordance with CCC 40.350.020.B.

Staff has determined that the additional trips associated with the proposed development do not exceed travel speed, delay and LOS standards. The intersections in the vicinity of the proposed development would be minimally impacted by the proposed development. Therefore, further analysis and mitigation by the applicant were not required. The proposed development complies with the Concurrency Ordinance CCC 40.350.020.

Finding 9 Safety

Mitigation for off-site safety deficiencies may only be a condition of approval on development in accordance with CCC 40.350.030.B.6. The code states that "nothing in this section shall be construed to preclude denial of a proposed development where off-site road conditions are inadequate to provide a minimum level of service as specified in Section 40.350.020 or a *significant* traffic or safety hazard *would be caused or materially aggravated* by the proposed development; provided, that the applicant may voluntarily

agree to mitigate such direct impacts in accordance with the provisions of RCW 82.02.020.”

Staff has reviewed signal warrants and turn lane warrants in the vicinity of the proposed development. Due to the relatively minimal impact from this proposed development, mitigation from the applicant is not justified. Therefore, further analysis and mitigation by the applicant are not required.

Transportation Concurrency Recommendation: Approval

TRANSPORTATION:

Finding 10 Pedestrian/Bicycle Circulation

Pedestrian circulation facilities in compliance with the Americans with Disabilities Act are required in accordance with the provisions of Section CCC 40.350.010. The development plans propose a sidewalk along the proposed frontage road. Bike lanes are not required for neighborhood circulator roads. The required improvements along NE 60th Street, abutting the site on the north, will provide for pedestrian circulation along this neighborhood circulator road. The on-site private road (Tract “A” as shown on the preliminary plat) will require sidewalks on one side and along the southerly portion of the hammer head turn around. Based upon this information, staff finds that the proposed pedestrian / bicycle circulation can be conditioned to comply with Section CCC 40.350.010.

Finding 11 Circulation Plan

In compliance with Section CCC 40.350.030.B.2, the circulation plan shall provide adequate cross-circulation for serving the proposed subdivision and allow future developments to meet the cross circulation standards. A cross-circulation plan with conceptual future development was provided by the applicant with the preliminary review materials. The proposed development will have access onto NE 60th Street, classified as a neighborhood circulator. This development proposes a private street terminating with a hammer-head turn around. The submitted circulation plan shows a conceptual north-south connection approximately 350 feet west of this site. The submitted circulation plan shows another conceptual north-south connection approximately 1000 feet east of the subject property (dependent on NE 42nd Avenue being extended north to NE 60th Street when the remaining three parcels at the end of NE 42nd are developed). A conceptual east-west connection is shown on the circulation plan that would extend NE 59th Street to the east to cross the western north-south road, eventually terminating in a cul-de-sac approximately 100 feet from the subject property’s northwest corner. Existing developments to the east of the conceptual cul-de-sac, specifically along NE 41st Avenue, preclude a connection with 41st Avenue. Based upon this information, staff finds that the proposed circulation plan complies with Section CCC 40.350.030.B.2.

Finding 12 On-Site Private Road

The preliminary site plan submitted by the applicant shows that the proposed lots on this site will take access onto a private road that intersects with NE 60th Street, abutting the northerly boundary of this site, and terminates in a hammer-head turn around. In accordance with CCC 40.350.030 B.10.b.(2)(c), a pedestrian access plan is required.

Sidewalks are part of the private road requirements and must be constructed along with the proposed private road. The proposed hammerhead has no sidewalk and therefore does not meet the Clark County road standard. **(See Condition A-2.a)**

Finding 13 Frontage Road

NE 60th Street, abutting the site on the north, is classified as a neighborhood circulator. The minimum right-of-way (ROW) dedications and improvements for this road in accordance with CCC Table 40.350.030-4 and the Standard Details Manual, Drawing #13 include:

- a. A minimum half-width ROW of 27 feet.
- b. A minimum half-width roadway of 18 feet.
- c. Curb/gutter, minimum width sidewalk of 5 feet.

The sidewalks are part of the half road section requirements and are required to be constructed prior to final plat approval. **(See Condition A-2.b)**

Finding 14 Sight Distance

The NE 60th Street / private street intersection shall have unobstructed sight distance triangles, and the proposed onsite street shall be designed to meet the minimum stopping sight distance standards in accordance with the provisions of Section CCC 40.350.030.B.8. **(See Condition A-2.c)**

Conclusion (Transportation):

Staff concludes that the proposed preliminary plan, subject to conditions identified above, meets the transportation requirements of the Clark County Code.)

STORMWATER:

Finding 15 Applicability

The Stormwater and Erosion Control Ordinance CCC 40.380 applies to development activities that result in 2,000 square feet or more of new impervious area within the urban area; the platting of single-family residential subdivisions in an urban area; and all land disturbing activities, except those exempted in Section CCC 40.380.030.A.

The project will create more than 2,000 square feet of new impervious surface, involves platting of a single-family residential subdivision, and is a land disturbing activity not exempted in Section CCC 40.380.030.A. Therefore, this development shall comply with the Stormwater and Erosion Control Ordinance, CCC 40.380.

The erosion control ordinance is intended to minimize the potential for erosion; a plan is required for all projects meeting the applicability criteria listed in CCC 40.380.050. This project is subject to the erosion control ordinance.

Finding 16 Site Conditions

The property is 1.25 acres in area with slopes of 0-5% over 11% of the parcel, 5-10% over 20% of the parcel, 10-15% over 45% of the parcel, and 15-25% over 24% of the parcel. The current use of the site is a single-family residence, an outbuilding, various deciduous and evergreen trees, and grass. The existing home, outbuilding, and trees will be removed prior to construction. The preliminary stormwater report indicates that

the proposed total area of new impervious surface consisting of roofs, driveways, and roads will be approximately 0.56 acres.

Finding 17 Stormwater Proposal:

The project proposes to achieve the required stormwater quality control within biofiltration swales located within Lot 6. Quantity mitigation will be accomplished in an infiltration galley, also located within Lot 6 near the southeast corner of the site. In accordance with CCC 40.350.040 D.7., "Stormwater treatment and control facilities in urban residential subdivisions and short plats shall be located on separate tracts which are recommended, but not required, to meet minimum zoning lot size requirements. The plat or other dedication instrument shall indicate tract disposition in the event of county abandonment or vacation". As a suggestion only, it is recommended that the applicant set up any necessary easements as part of the plat to provide stormwater conveyance in the event that this site's future stormwater mitigation occurs off site and the proposed Lot 6 converts to a build-able lot.

For the sake of clarity, Lot 6 shall be re-labeled as either a stormwater tract or designated as a stormwater easement within the adjacent lots. **(See Conditions A-12 and D-5)**

The preliminary stormwater design report indicates that the proposed storm facilities will be designed to treat 70% or the 2-year, 24-hour storms, as required. **(See Condition A-4.a)**

Off-site stormwater from the west may be intercepted and routed to the proposed infiltration system.

Finding 18 Infiltration

The project proposes to utilize infiltration as a method of stormwater quantity control. According to the Stormwater & Erosion Control Ordinance (CCC 40.380), infiltration of 100-year storm event is the preferred method for stormwater disposal from the developed site. Natural Resource Conservation Service mapping shows the site to be underlain by Hillsboro (HIB and HIC), designated as A-4 soils, loam for depths of 0 to 36 inches and sandy loam and sand for depths of 36 to 62 inches below the ground surface in accordance with AASHTO classification. Hillsboro soils are designated as hydrologic group "B". Stormwater and Erosion Control Ordinance (CCC 40.380), does not list A-4 soils as suitable for infiltration. **(See Condition A-4.b)**

The applicant has submitted an infiltration testing report performed by Professional Service Industries, Inc., dated November 22, 2005. The subsurface explorations consisting of 3 test pits were conducted on November 11, 2005. The test pits Trial 1, Trial 2 and Trial 3 are shown in "Infiltration Test Location Plan" of Infiltration Testing Report, Exhibit 6, Tab 11. Laboratory tests performed on November 22, 2005, included grain distribution analyses and AASHTO Specification M145 soil classification as required per stormwater ordinance. In accordance with the provisions of CCC 40.380.40.C.3.a, soils classified as A-1-a, A-1-b, A-2-4, A-2-5, and A-3 as defined in AASHTO Specification M145 are suitable for infiltration.

The test data, which include onsite observed infiltration rates, are summarized in the following table:

Date	Test Pit	Depth (feet)	AASHTO Soil Classification	Infiltration Rate (inches/hour) Groundwater Info
11/11/05	Trial 1	13.5	A-2-4	6.0 No Groundwater
11/11/05	Trial 2	13.5	A-3	20.0 No Groundwater
11/11/05	Trial 3	13.5	A-2-4	19.5 No Groundwater

Finding 19 Feasibility of infiltration as a method of stormwater disposal

In accordance with CCC 40.380.040.C.3, the measured infiltration rate shall be equal to or greater than eight (8) inches per hour. The design of the infiltration systems using a minimum factor of safety of two (2) should be based on one-half of the lowest test rate. However, due to the concerns regarding variations in permeability of soils and groundwater elevation, a higher factor of safety may be required. The preliminary design of the infiltration facility uses one-half of the tested rate obtained in the test pits, which is equal to 7 inches per hour. The infiltration testing report does not recommend an infiltration rate or a factor of safety for design of the infiltration facility. Design infiltration rates and factor of safety are important criteria in sizing infiltration systems to ensure desired performance in these types of soils during the wet-weather season when the infiltration facilities are expected to perform at full capacity. **(See Condition A-4.c)**

The proposed infiltration facility does not include an emergency overflow plan in case the infiltration system fails to function as designed. If the proposed infiltration facility fails to function as designed, downstream properties, especially those to the south of this site, will be substantially impacted due to flooding. **(See Condition A-4.d)**

Staff does not find the infiltration test data provided in the infiltration testing report to be conclusive during months of peak runoff when the ground is likely to be saturated. However, substantial evidence is not available to show that infiltration in the proposed location of stormwater facility will not be feasible. Staff is also concerned that during grading activities, the native soil layers may be disturbed to the extent that design infiltration rates could not be achieved. **(See Condition C-2)**

Finding 20 Sacrificial System

Because the proposed stormwater runoff disposal is by infiltration, it is important to ensure that no soil or contaminated materials inadvertently enter the storm drain collection system until site construction is complete and exposed soil surfaces are stabilized. In order to protect the infiltration facilities from plugging during the construction of the subdivision and homes within the proposed lots, all runoff shall be conveyed to an onsite sacrificial system or be contained by other approved methods until such time when the County inspection staff determines that the potential for plugging the infiltration system is minimized to the extent possible. **(See Condition F-1.a)**

Conclusion (Stormwater):

Staff concludes that the proposed preliminary stormwater plan, subject to the conditions above, is feasible. Therefore, the requirements of the preliminary plan review criteria are satisfied.

FIRE PROTECTION:**Finding 21 Fire Marshal Review**

This application was reviewed by Tom Scott in the Fire Marshal's Office who can be reached at (360) 397-2375 x 4095 or 3323. Information can also be faxed to the fire marshal at (360) 759-6063. Where there are difficulties in meeting these conditions, or if additional information is required, please contact the fire marshal immediately.

Finding 22 Building Construction

Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. **(See Condition E-1)**

Finding 23 Fire Flow

Fire flow in the amount of 1,000 gallons per minute supplied for 60 minutes duration is required for this application. The required fire flow is currently available at the site. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval. **(See Condition D-1.a)**

Finding 24 Fire Hydrants

Fire hydrants are required for this application. Either the indicated number or the spacing of the fire hydrants is inadequate. The applicant shall provide fire hydrants such that the maximum spacing between hydrants does not exceed 700 feet and no lot or parcel is in excess of 500 feet from a fire hydrant as measured along approved fire apparatus access roads. One additional hydrant is required to meet spacing distances.

Fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, contact the Vancouver Fire Department at 360-696-8166 to arrange for location approval.

A 3 foot clear space shall be maintained around the circumference of all fire hydrants. **(See Conditions D-1.a, b, c, and d)**

Finding 25 Fire Apparatus Access

The roadways and maneuvering areas as indicated in the application shall meet the requirements of the Clark County Road Standard. The applicant shall provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface capable of supporting the imposed loads of fire apparatus. **(See Condition D-1.e)**

Finding 26 Street Parking

Parallel parking is prohibited on streets that are less than 24 feet wide. All streets, including the hammer head, less than 24 feet wide shall be posted "No Parking." (**See Condition D-1.f**)

Finding 27 Fire Apparatus Turnarounds

Approved fire apparatus turnarounds are required for this project. The provisions for turning around fire apparatus are not adequate. Provide a hammerhead turnaround constructed in accordance with the Clark County Road Standards for the terminus of the private road. (**See Condition D-1.g**)

Conclusion (Fire Protection):

Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the fire protection requirements of the Clark County Code.

WATER & SEWER SERVICE:

Finding 28 Providers

The site will be served by Clark Public Utilities water and the Clark Regional Wastewater sewer district. Letters from the districts confirm that services are available to the site. All lots in the proposed plat must connect to an approved public sewer and water systems. A copy of the final acceptance letter from the sewer and water purveyor shall be submitted to the Health District with the final plat mylar. The applicant shall comply with all requirements of the purveyor. (**See Condition D-2**)

Finding 29 Abandonment of Existing Wells and Septics

Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Final Approval Letter" must be submitted, the Evaluation Letter will specify the timing of when the Final Approval Letter must be submitted to the county (e.g., at Final Construction Plan Review, Final Plat Review or prior to occupancy). The Health Department Evaluation Letter serves as confirmation that the Health Department conducted an evaluation of the site to determine if existing wells or septic systems are on the site, and whether any structures on the site have been/are hooked up to water and/or sewer. The Health Department Final Approval Letter will confirm that all existing wells and/or septic systems have been abandoned, inspected and approved by the Health Department (if applicable). (**See Condition A-9**)

Conclusion (Water & Sewer Service):

Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the water and sewer service requirements of the Clark County Code.

IMPACT FEES:

Finding 30 Impact Fees:

The 9 residential lots created by this plat will produce impacts on schools, parks, and traffic, and are subject to School (SIF), Park (PIF), and Traffic Impact Fees (TIF) in accordance with CCC 40.610 and 40.620.

The site is within:

- Vancouver School District, with a SIF of \$1,725.00 per dwelling
- Park District #7, with a PIF of \$1,885 per dwelling (\$1,445 for park acquisition / \$440 for park development).
- Orchards TIF sub-area with a TIF of \$1,439.81 per dwelling.

Impact fees shall be paid prior to issuance of a building permit for each lot, however, one lot (to be so indicated on the plat) is exempt from impact fees as credit for the existing dwelling being removed.

If a building permit application is made more than three years following the date of preliminary plat approval, the impact fees will be recalculated according to the then-current ordinance rate. **(See Conditions D-3.g and E-2)**

SEPA DETERMINATION

As lead agency under the State Environmental Policy Act (SEPA) Rules [Chapter 197-11, Washington Administrative Code (WAC)], Clark County must determine if there are possible significant adverse environmental impacts associated with this proposal. The options include the following:

- **DS = Determination of Significance** (The impacts cannot be mitigated through conditions of approval therefore, requiring the preparation of an Environmental Impact Statement (EIS);
- **MDNS = Mitigated Determination of Non-Significance** (The impacts can be addressed through conditions of approval); or,
- **DNS = Determination of Non-Significance** (The impacts can be addressed by applying the County Code).

Determination:

Determination of Non-Significance (DNS). Clark County, as lead agency for review of this proposal, has determined that this proposal does not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030 (2) (e). This decision was made after review of a completed environmental checklist and other information on file with the County.

The likely SEPA determination of Non-Significance (DNS) in the Notice of Development Review Application issued on May 9, 2006 is hereby final.

SEPA Appeal Process:

An **appeal** of this SEPA determination and any required mitigation must be filed with the Department of Community Development within fourteen (14) calendar days from the date of this notice. The SEPA appeal fee is **\$178**,

A **procedural appeal** is an appeal of the determination (i.e., determination of significance, determination of non-significance, or mitigated determination of non-significance). A **substantive appeal** is an appeal of the conditions required to mitigate for probable significant issues not adequately addressed by existing County Code or other law.

Issues of compliance with existing approval standards and criteria can still be addressed in the public hearing without an appeal of this SEPA determination.

Both the **procedural and substantive appeals** must be filed within fourteen (14) calendar days of this determination. Such appeals will be considered in the scheduled public hearing and decided by the Hearing Examiner in a subsequent written decision.

Appeals must be in writing and contain the following information:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. A brief statement describing why the SEPA determination is in error.

The decision of the Hearing Examiner on any SEPA procedural appeal can not be appealed to the Board of County Commissioners, but must pursue judicial review.

Staff Contact Person: Jan Bazala, (360) 397-2375, ext. 4499.
Susan Ellinger, (360) 397-2375, ext. 4272.

Responsible Official: Michael V. Butts

Public Service Center
Department of Community Development
1300 Franklin Street
P.O. Box 9810
Vancouver, WA 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011
Web Page at: <http://www.clark.wa.gov>

RECOMMENDATION

Based upon the proposed plan (identified as Exhibit 5), and the findings and conclusions stated above, staff recommends the Hearings Examiner **APPROVE** this request, subject to the understanding that the applicant is required to adhere to all applicable codes and laws, and is subject to the following conditions of approval:

Conditions of Approval

A Final Construction/Site Plan Review

Review & Approval Authority: Development Engineering

Prior to construction, a Final Construction/Site Plan shall be submitted for review and approved, consistent with the approved preliminary plan and the following conditions of approval:

A-1 None

A-2 Final Transportation Plan/On-Site - The applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 40.350 and the following conditions of approval:

- a. The proposed private road and hammer head turn around shall include a sidewalk along at least one side of the road and continue around the hammer head turn around. The hammer head turn around shall be designed in accordance with Standard Drawing 32 or Standard Drawing 32A. **(See Findings 12 and 27)**
- b. All sidewalks shall be installed prior to plat recording or provide an acceptable performance guarantee. **(See Finding 13)**
- c. A statement of acceptable sight distance certified by a State of Washington registered civil engineer shall be submitted. **(See Finding 14)**

A-3 Transportation:

- a. Signing and Striping Plan: The applicant shall submit a signing and striping plan and a reimbursable work order, authorizing County Road Operations to perform any signing and pavement striping required within the County right-of-way. This plan and work order shall be approved by the Department of Public Works prior to final plat or final site plan approval.
- b. Unless Traffic Control Plan: Prior to issuance of any building or grading permits for the development site, the applicant shall obtain written

approval from Clark County Department of Public Works of the applicant's Traffic Control Plan (TCP). The TCP shall govern all work within or impacting the public transportation system.

A-4 Final Stormwater Plan - The applicant shall submit and obtain County approval of a final stormwater plan designed in conformance to CCC 40.380 and the following conditions of approval:

- a. The proposed stormwater quality facility shall be designed to treat 70% or the 2-year, 24-hour storms. **(See Finding 17)**
- b. The proposed stormwater quantity facility shall be designed, with an appropriate safety factor, to infiltrate all of the 100 year storm event. **(See Finding 18)**
- c. The final design of the infiltration facilities shall be based on a safety factor recommended by the geotechnical engineer. **(See Finding 19)**
- d. The proposed infiltration system shall be designed with an overflow system that, in the event of failure of this infiltration system, will prevent downstream property damage due to flooding. **(See Finding 19)**

A-5 Final Landscape Plan - The applicant shall submit and obtain county approval of final landscape plan designed in accordance with CCC 40.320. **(See Finding 2)**

A-6 Erosion Control Plan - The applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 40.380.

A-7 Other Required Documents: – The following documents shall be submitted with the Final Construction/Site Plan:

- a. Developer's Covenant: - A "Developer Covenant to Clark County" shall be submitted for recording that specifies the following Responsibility for Stormwater Facility Maintenance: For stormwater facilities for which the county will not provide long-term maintenance, the developer shall make arrangements with the existing or future (as appropriate) occupants or owners of the subject property for assumption of maintenance to the county's Stormwater Facilities Maintenance Manual as adopted by Chapter 13.26A. The responsible official prior to county approval of the final stormwater plan shall approve such arrangements. The county may inspect privately maintained facilities for compliance with the requirements of this chapter. If the parties responsible for long-term maintenance fail to maintain their facilities to acceptable standards, the county shall issue a written notice specifying required actions to be taken in order to bring the facilities into compliance. If these actions are not performed in a timely manner, the county shall take enforcement action and recover from parties responsible for the maintenance in accordance with Section 32.04.060. (Example: Deed dedicating required right-of-way)

A-8 Excavation and Grading - Excavation/grading shall be performed in compliance with Appendix Chapter J of the 2003 International Building Code (IBC); and, drainage facilities shall be provided, in order to ensure that building foundations and footing elevations can comply with CCC 14.04.252.

A-9 Health Department Review - Submittal of a "Health Department Project Evaluation Letter" is required as part of the Final Construction Plan Review or early grading application. If the Evaluation Letter specifies that certain actions are required, the Evaluation Letter will specify the timing of when those activities must be completed (e.g., prior to Final Construction Plan Review, construction, Provisional Acceptance, Final Plat Review, building permit issuance, or occupancy), and approved by the Health Department.

A-10 Fire Marshal Requirements:

- a. Fire flow in the amount of 1,000 gallons per minute supplied for 60 minutes duration is required for this application. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval. **(See Finding 23)**
- b. Fire hydrants are required for this application. Either the indicated number or the spacing of the fire hydrants is inadequate. The applicant shall provide fire hydrants such that the maximum spacing between hydrants does not exceed 700 feet and no lot or parcel is in excess of 500 feet from a fire hydrant as measured along approved fire apparatus access roads. One additional hydrant is required to meet spacing distances. The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, contact the Vancouver Fire Department at 360-696-8166 to arrange for location approval. **(See Finding 24)**
- c. Fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. **(See Finding 24)**
- d. A 3 foot clear space shall be maintained around the circumference of all fire hydrants. **(See Finding 24)**
- e. The roadways and maneuvering areas as indicated in the application shall meet the requirements of the Clark County Road Standard. The applicant shall provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface capable of supporting the imposed loads of fire apparatus. **(See Finding 25)**
- f. All streets, including the hammer head, that are less than 24 feet wide shall be posted "No Parking." **(See Finding 26)**
- g. Approved fire apparatus turnarounds are required for this project. The provisions for turning around fire apparatus are not adequate. Provide a hammerhead turnaround constructed in accordance with the Clark County Road Standards for the terminus of the private road. **(See Finding 27)**

A-11 Safe pedestrian access to schools - The applicant shall provide a letter from the school stating that school bus service will be provided to and from the subdivision site. If this is not the case, and an adequate pedestrian route does not exist to Minnehaha Elementary, off site walkway improvements will be necessary; a post decision review may be necessary to address these issues. **(See Finding 3)**

A-12 The proposed Lot 6 shall be re-labeled as either a stormwater tract or designated as a stormwater easement within adjacent lots. **(See Finding 17)**

B	Prior to Construction of Development Review & Approval Authority: Development Inspection
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Prior to construction, the following conditions shall be met:

B-1 Erosion Control - Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.

B-2 Erosion Control - Erosion control facilities shall **not** be removed without County approval.

B-3 Demolition/renovation Permit – A demolition permit shall be obtained from the county. The demolition permit shall require an inspection of the structure for asbestos containing materials, subject to the Southwest Clean Air Agency requirements. **(See Finding 4)**

C	Provisional Acceptance of Development Review & Approval Authority: Development Inspection
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Prior to provisional acceptance of development improvements, construction shall be completed consistent with the approved final construction/site plan and the following conditions of approval:

C-1 The installation of infiltration system shall be observed and documented by a licensed engineer in the State of Washington proficient in geotechnical engineering. During the construction, the geotechnical engineer shall verify that the infiltration rate used in the final stormwater analysis is obtained at the exact location and depth of the proposed stormwater infiltration facility. The infiltration investigation shall include laboratory analysis based on AASHTO Specification M145. The timing of representative infiltration tests will be determined at the pre-construction conference. **(See Finding 19)**

D	Final Plat Review & Recording Review & Approval Authority: Development Engineering
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Prior to final plat approval and recording, the following conditions shall be met:

D-1 Fire Marshal Requirements:

- a. Fire flow in the amount of 1,000 gallons per minute supplied for 60 minutes duration is required for this application. The required fire flow is currently available at the site. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval. **(See Finding 24)**
- b. The applicant shall provide fire hydrants such that the maximum spacing between hydrants does not exceed 700 feet and no lot or parcel is in excess of 500 feet from a fire hydrant as measured along approved fire apparatus access roads. One additional hydrant is required to meet spacing distances. **(See Finding 24)**
- c. Fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, contact the Vancouver Fire Department at 360-696-8166 to arrange for location approval. **(See Finding 24)**
- d. A 3 foot clear space shall be maintained around the circumference of all fire hydrants. **(See Finding 24)**
- e. The applicant shall provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface capable of supporting the imposed loads of fire apparatus. **(See Finding 25)**
- f. Parallel parking is prohibited on streets that are less than 24 feet wide . All streets, including the hammer head, that are less than 24 feet wide shall be posted "No Parking." **(See Finding 26)**
- g. Approved fire apparatus turnarounds are required for this project. The provisions for turning around fire apparatus are not adequate. Provide a hammerhead turnaround constructed in accordance with the Clark County Road Standards for the terminus of the private road. **(See Finding 27)**

D-2 All lots in the proposed plat must connect to an approved public sewer and water systems. A copy of the final acceptance letter from the sewer and water purveyor shall be submitted to the Health District with the final plat mylar. The applicant shall comply with all requirements of the purveyor. **(See Finding 28)**

D-3 Developer Covenant – A "Developer Covenant to Clark County" shall be submitted for recording to include the following:

- a. Development on Infill Parcels: All development on infill parcels created pursuant to Section 40.260.110 shall be subject to the standards for Infill

Development. The following applicable Infill Development Standards shall be included in the Developer Covenants to Clark County:

(1) Setbacks applicable to this development are as follows:

Front: 10 feet for structures, except access to a garage or carport, which requires 18 feet

Street Side: 10 feet, except 18 feet to a garage or carport access

Side (interior): 5 feet for structures, except 18 feet to a garage or carport

Rear: 5 feet, except 10 feet when rear line abuts existing single family, 18 feet to vehicle storage access

(2) "Maximum building height is 35 feet".

(3) "Maximum lot coverage shall be 60%."

- b. Critical Aquifer Recharge Areas - "The dumping of chemicals into the groundwater and the use of excessive fertilizers and pesticides shall be avoided. Homeowners are encouraged to contact the State Wellhead Protection program at (206) 586-9041 or the Washington State Department of Ecology at 800-RECYCLE for more information on groundwater /drinking supply protection."
- c. Erosion Control - "Building Permits for lots on the plat shall comply with the approved erosion control plan on file with Clark County Building Department and put in place prior to construction."
- d. Private Roads: "Clark County has no responsibility to improve or maintain the private roads contained within or private roads providing access to the property described in this development. Any private access street shall remain a private street, unless it is upgraded to meet applicable current road standards at the expense of the developer or abutting lot owners to include hard surface paving and is accepted by the county for public ownership and maintenance."
- e. Responsibility for Stormwater Facility Maintenance: For stormwater facilities for which the county will not provide long-term maintenance, the developer shall make arrangements with the existing or future (as appropriate) occupants or owners of the subject property for assumption of maintenance to the county's Stormwater Facilities Maintenance Manual as adopted by Chapter 13.26A. The responsible official prior to county approval of the final stormwater plan shall approve such arrangements. Final plats shall specify the party(s) responsible for long-term maintenance of stormwater facilities within the Developer Covenants to Clark County. The county may inspect privately

maintained facilities for compliance with the requirements of this chapter. If the parties responsible for long-term maintenance fail to maintain their facilities to acceptable standards, the county shall issue a written notice specifying required actions to be taken in order to bring the facilities into compliance. If these actions are not performed in a timely manner, the county shall take enforcement action and recover from parties responsible for the maintenance in accordance with Section 32.04.060.

- f. Archaeological (all plats): "If any cultural resources are discovered in the course of undertaking the development activity, the Office of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."
- g. Impact Fees: "In accordance with CCC 40.610, except for one lot designated on the final plat as waived, the School, Park and Traffic Impact Fees for each dwelling in this subdivision are: \$ 1,725 (Vancouver School District), \$ 1,885 (\$1,445 - Acquisition; \$440 - Development for Park District #7), and \$ 1,439.81 (Orchards TIF subarea) respectively. The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated _____, and expiring on _____. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedule."
- h. A covenant running with the land shall be recorded with the final plat that requires the owners of lots containing the required landscape buffers to maintain the landscaping in accordance with the approved final landscape plan. **(See Finding 2)**

D-4 Plat Notes - The following notes shall be placed on the final plat:

- a. Mobile Homes: "Mobile homes are prohibited on all lots subject to the requirements of CCC 40.260.130."
- b. Utilities: "An easement is hereby reserved under and upon the exterior six (6) feet at the front boundary lines of all lots for the installation, construction, renewing, operating and maintaining electric, telephone, TV, cable, water and sanitary sewer services. Also, a sidewalk easement, as necessary to comply with ADA slope requirements, shall be reserved upon the exterior six (6) feet along the front boundary lines of all lots adjacent to public streets."
- c. Driveways: "All residential driveway approaches entering public roads are required to comply with CCC 40.350."
- d. Privately Owned Stormwater Facilities: "The following party(s) is responsible for long-term maintenance of the privately owned stormwater facilities: _____."

- D-5** The proposed Lot 6 shall be re-labeled as either a stormwater tract or designated as a stormwater easement within adjacent lots. **(See Finding 17)**

E	Building Permits
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	Review & Approval Authority: Customer Service
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Prior to issuance of a building permit, the following conditions shall be met:

- E-1** Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. **(See Finding 22)**

- E-2 Impact Fees** - The applicant shall pay impact fees based on the number of dwelling units in the building, as follows:

- a. \$1,725 per dwelling for School Impact Fees (Vancouver School Dist.)
- b. \$1,885 per dwelling for Park Impact Fees (\$1,445 – Acquisition; \$440 – Development for Park District #7);
- c. \$1,439 per dwelling for Traffic Impact Fees (Orchards TIF Sub-area)

If the building permit application is made more than three years following the date of preliminary site plan approval, the impact fees shall be recalculated according to the then-current rate.

F	Occupancy Permits
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	Review & Approval Authority: Building
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Prior to issuance of an occupancy permit, the following conditions shall be met:

- F-1 None**

- F-2 Landscape buffers** - Those portions of required landscape buffers that exist on individual lots shall be installed. In order to ensure that the landscaping has been installed in conformance with the approved landscape plan(s) the developer shall submit a copy of the approved landscape plan(s) with a letter signed and stamped by a landscape architect licensed in the state of Washington certifying that the landscape and irrigation (if any) have been installed in accordance with the attached approved plan(s) and verifying that any plant substitutions are comparable to the approved plantings and suitable for the site. Any substituted plants shall be no smaller than those shown on the approved plan(s) and shall have similar characteristics in terms of height, drought tolerance and suitability for screening. See Finding 2.

G	Development Review Timelines
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	Review & Approval Authority: None - Advisory to Applicant
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- G-1 Land Division** - Within 5 years of preliminary plan approval, a Fully Complete application for Final Plat review shall be submitted.

Note: Any additional information submitted by the applicant within fourteen (14) calendar days prior to or after issuance of this report, may not be considered due to time constraints. In order for such additional information to be considered, the applicant may be required to request a hearing extension and pay half the original review fee with a maximum fee of \$5,000.

HEARING EXAMINER DECISION AND APPEAL PROCESS

This report to the Hearing Examiner is a recommendation from the Development Services Division of Clark County, Washington.

The Examiner may adopt, modify or reject this recommendation. The Examiner will render a decision within 14 calendar days of closing the public hearing. The County will mail a copy of the decision to the applicant and neighborhood association within 7 days of receipt from the Hearing Examiner. All parties of record will receive a notice of the final decision within 7 days of receipt from the Hearing Examiner.

An **appeal** of any aspect of the Hearing Examiner's decision, except the SEPA determination (i.e., procedural issues), may be appealed to the Board of County Commissioners only by a party of record. A party of record includes the applicant and those individuals who signed the sign-in sheet or presented oral testimony at the public hearing, and/or submitted written testimony prior to or at the Public Hearing on this matter.

Appeal Filing Deadline:

The appeal shall be filed with the Board of County Commissioners, Public Service Center, 1300 Franklin Street, Vancouver, Washington, 98668, within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record.

Any appeal of the final land use decisions shall be in writing and contain the following:

- Case number designated by the County;
- Name of the applicant;
- Name of each petitioner;
- Signature of each petitioner or his or her duly authorized representative;
- A statement showing the following:
 - That each petitioner is entitled to file the appeal as an interested party in accordance with CCC 40.510.030(H);
 - The specific aspect(s) of the decision being appealed;
 - The reasons why each aspect is in error as a matter of fact or law;
 - The evidence relied on to prove the error; and,
- The appeal fee of **\$266**.

The fee shall be refunded if the appeal is withdrawn in writing by the petitioner at least 15 calendar days before the public meeting to consider the appeal.

The Board of Commissioners shall hear appeals of decisions based upon the written record before the examiners, the examiner's decision, and any written comments received in the office of the Board within the following submittal deadlines measured from the date of the filing of the appeal:

- Fourteen (14) calendar days for the appellant's initial comments;
- Twenty-eight (28) calendar days for all responding comments; and,
- Thirty-five (35) calendar days for appellant reply comments, which are limited to the issues raised in the respondent's comments.

Written comments shall be limited to arguments asserting error in or support of the examiner decision based upon the evidence presented to the examiner.

Unless otherwise determined by the Board for a specific appeal, the Board shall consider appeals once a month, on a reoccurring day of each month. The day of the month on which appeals are considered shall be consistent from month to month as determined by Board.

The Board may either decide the appeal at the designated meeting or continue the matter to a limited hearing for receipt of oral argument. If continued, the Board of Commissioners shall designate the parties or their representatives to present argument, and permissible length thereof, in a manner calculated to afford a fair hearing of the issues specified by the Board of Commissioners. At the conclusion of its public meeting or limited hearing for receipt of oral legal argument, the Board of Commissioners may affirm, reverse, modify or remand an appealed decision.

Attachments:

- Copy of Vicinity Map
- Copy of Proposed Preliminary Plan
- Exhibit List

The fee shall be refunded if the appeal is withdrawn in writing by the petitioner at least 15 calendar days before the public meeting to consider the appeal.

A copy of the approved preliminary plan, SEPA Checklist and Clark County Code are available for review at:

**Public Service Center
Department of Community Development
1300 Franklin Street
P.O. Box 9810
Vancouver, WA. 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011**

A copy of the Clark County Code is also available on our Web Page at:
Web Page at: <http://www.clark.wa.gov>

For Staff Only:

Final Plans Required with Construction Plans	YES	NO
Final Site Plan	X	
Final Landscape Plan:	X	
-On-site landscape plan	X	
-Right-of-way landscape plan*		X
Final Wetland Plan		X
Final Habitat Plan		X

*Final right-of-way landscape plan required for projects fronting on arterial and collector streets.

Note: If final plan submittals are required, list each plan under Case Notes in Permit Plan for future reference.